

Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 T-03 OMB-01 CIAE-00 PM-09 H-02 INR-09

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12

IO-12 AID-20 SCA-01 RSR-01 /117 W
----- 088600

R 190810 Z MAR 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3865

INFO SECDEF

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

CG 13 TH AF

C O N F I D E N T I A L MANILA 3126

CINCPAC FOR POLAD

E. O. 11652: GDS

TAGS; MARR, RP

SUBJECT: 1971- 72 MBA WORKING GROUP TALKS: REVIEW OF STATUS NON- AGREED

ARTICLES;

ARTICLE XI (IMMIGRATION)

REFS:

A. MANILA 10091 1971

B. MANILA 10092. 1971

C. MANILA 10257 040949 Z NOV 71

D. STATE 206437, 120135 Z NOV 71

E. MANILA 11418, 130939 DEC 7 1

F. MANILA 454, 150409 Z JAN 72

G. MANILA 1359, 110910 Z FEB 72

H. STATE 24867, 112332 Z FEB 72

J. MANILA 3122 190724 Z MAR 73

1. EMBASSY REVIEW OF REFERENCE MESSAGES, PARTICULARLY

REF H, HAS GIVEN RISE TO CONCERN THAT WASHINGTON REJECTION

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OF PHIL IMMIGRATION PROPOSAL (REF F) MAY HAVE RESULTED FROM MISUNDERSTANDING. REF F WAS COUNTERPROPOSAL TO US PROPOSAL (REF D). AT THE TIME NEGOTIATION WAS GOING ON PHIL NEGOTIATORS WERE VERY CONCERNED WITH PUBLIC REACTION TO RESULTS MBA WORKING GROUP'S EFFORTS , AND WERE ADAMANTLY OPPOSED TO MAKING " CONCESSIONS" THAT WOULD APPEAR TO GO FARTHER THAN THEIR CHARTER PERMITTED. THEREFORE, EXCHANGE OF NOTES STRATEGY EMBODIED IN REF D TO OBTAIN FORMAL US- RP AGREEMENT ON MATTERS PREVIOUSLY COVERED BY UNILATERAL GOP GRANT OF AUTHORITY, WOULD HAVE FORCED PHIL NEGOTIATORS INTO UNWELCOME PUBLIC POSITION.

2. THEREFORE, REF D WAS PHIL COUNTER- PROPOSAL DESIGNED TO CONTINUE GOP UNILATERAL GRANT STRATEGY, BUT AT THE SAME TIME TO BE AS RESPONSIVE AS POSSIBLE TO EXPRESSED US DESIRES TO EXPAND CLASSES OF PERSONS WHO COULD ENTER PHILIPPINES WITHOUT VISAS BY MAKING ENTRY SUBJECT TO OBTAINING EITHER VISA OR ENTRY PERMIT. PROVISION FOR ENTRY PERMIT ACKNOWLEDGE ON BASE PRESENCE OF GOP IMMIGRATION OFFICER WHO WOULD BE ABLE TO ISSUE SUCH PERMITS. PHIL PROPOSAL ALSO SOUGHT TO DEFINE DEPENDENTS MORE STRICTLY THAN 1947 MBA WHICH PERMITS ENTRY OF " FAMILIES" OF US ARMED FORCES AND CIVILIAN COMPONENT. IN REF E, EMBASSY POINTED OUT THAT PHILS HAD BEN GIVEN DEFINITION OF DEPENDENTS USED BY USG IN 37 USC 401. THIS IS DEFINITION THEY USED IN REF F. THE POINT IS PHILS WERE SEEKING TO BE FORTHCOMING IN THEIR PROPOSAL, EXCEPT FOR THEIR DESIRE TO INCLUDE EXPANSIONS OF EXEMPTIONS IN SUPPLEMENTARY DFA NOTE RATHER THAN NOTE EXCHANGE.

3. MARTIAL LAW CONDITIONS MAY HAVE CHANGED PHIL NEGOTIATORS' FEAR OF POLITICAL EXPOSURE, AND CONCEPT OF AN EXCHANGE OF NOTES TO FORMALIZE IMMIGRATION PROCEDURES MAY BE MORE POSSIBLE TO OBTAIN IN 1973 THAN IT WAS IN 1971-72. THUS, WHEN NEXT STAGE OF MBA NEGOTIATION EVENTUATES EMBASSY COULD EXPLORE WHETHER REF D MORE ACCEPTABLE TO GOP NOW THAN BEFORE. THIS WILL NECESSITATE INVOLVING NEXT- STATE NEGOTIATORS , HOWEVER, IN HIGHLY INVOLVED, TECHNICAL AND TIME- CONSUMING QUESTIONS. TO AVOID THIS, IT POSSIBLE THAT ADDITIONAL WORK ON PHIL PROPOSAL BEFORE MBA NEGOTIATIONS RESUME COULD SERVE PURPOSE OF MEETING USG NEEDS MORE ADEQUATELY. THEREFORE, EMBASSY PROPOSES THAT STATE/ DEFENSE CONFIDENTIAL

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RE- EXAMINE PHIL PROPOSAL AND PROVIDE EMBASSY WITH SPECIFIC

ACCOUNTING OF ITS FLAWS AND RECOMMENDED LANGUAGE TO CORRECT
ACCOUNTING XXX SUCH FLAWS.

4. SOLICITOR GENERAL MENDOZA WILL APPARENTLY TAKE PART IN MBA
RENEGOTIATION WHEN IT RESUMES. MENDOZA TOOK
RESPONSIBILITY OF CONVINCING PHIL BUREAUCRACY IN 1971-72
MBA TALKS TO CONCEDE EXPANSION OF IMMIGRATION EXEMPTIONS,
THOUGH PROPOSAL WAS FINALLY DRAFTED BY NOTABLY NIGGARDLY
DFA. MENDOZA HAS ALREADY INDICATED THAT HE WOULD BE
WILLING TO SUPPORT " REASONABLE" DRAFTING CHANGES IN PHIL
PROPOSAL RECOMMENDED BY USG; THUS, EMBASSY COULD INFORMALLY
APPROACH HIM WITH REDRAFTED PROPOSAL TO GET HIS INFORMAL
REACTION. (FYI: MENDOZA IS WORKING PRES. MARCOS
ON STUDY OF COMPARABILITY OF MBA WITH US- JAPAN SOFA; NATO
SOFA; SPANISH AGREEMENT; AND TAIWAN SOFA. MENDOZA SAYS
HE HAS TOLD PRESIDENT THAT MBA, AS REVISED BY WORKING GROUP,
IS (UNDERLINE IS) COMPARABLE WITH OTHER US AGREEMENTS, BUT PRES.
WISHES TO MAKE THAT DETERMINATION FOR HIMSELF. MENDOZA
SAYS ANOTHER PURPOSE OF PRESIDENT IS TO EDUCATE HIMSELF
ON GENERAL QUESTION OF STATUS OF FORCES AGREEMENTS END FY I.
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*** Current Classification *** CONFIDENTIAL

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